

Docket No.
118.003

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International
Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/770,336	Jan. 26, 2001	pending
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

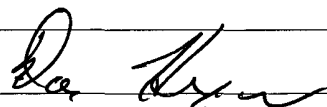
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Irving M. Fishman, Reg. No. 30,258

Send Correspondence to: **Irving M. Fishman**
89 Headquarters Plaza
North Tower, Suite 1422
Morristown, NJ 07960

Direct Telephone Calls to: *(name and telephone number)*
Irving M. Fishman at 973-285-1548

Full name of sole or first inventor Don L. Hexamer	
Sole or first inventor's signature 	Date 2-23-03
Residence 6142 Royalton Drive, Dallas, Texas 75230	
Citizenship United States of America	
Post Office Address Same	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS - SMALL BUSINESS CONCERN			Docket No. 118.003
Serial No.	Filing Date Concurrently Herewith	Patent No.	Issue Date
Applicant/ Don L. Hexamer Patentee:			
Invention: ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH			
<p>I hereby declare that I am:</p> <p><input checked="" type="checkbox"/> the owner of the small business concern identified below:</p> <p><input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p> <p>NAME OF CONCERN: <u>Shamrock Products</u></p> <p>ADDRESS OF CONCERN: <u>6142 Royalton Drive, Dallas Texas 75230</u></p> <p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR part 121 and 37 CFR 1.27(a)(2) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p> <p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small entity person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).</p>			

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern or organization exists.
☒ each such person, concern or organization is listed below.

FULL NAME	<u>Mario Guralnik</u>		
ADDRESS	<u>c/o MediCina LLC 266 Johnson Avenue, Teaneck, NJ, 07666</u>		
	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	_____		
ADDRESS	_____		
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization

Separate verified statements are recommended from each named person, concern or organization having rights to the invention averring to their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Don Hexamer

TITLE OF PERSON SIGNING _____

OTHER THAN OWNER: _____

ADDRESS OF PERSON SIGNING: Shamrock Products
6142 Royalton Drive
Dallas, Texas 75230

SIGNATURE:



DATE:

7-23-03

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS - INDEPENDENT INVENTOR**

Docket No.
118.002

Serial No.

Filing Date
Concurrently Herewith

Patent No.

Issue Date

Applicant/ **Don L. Hexamer**
Patentee:

Invention: **ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH**

As a below named inventor, I hereby declare that I qualify as a small entity person as defined in 37 CFR 1.27(a)(1) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- ☒ the specification to be filed herewith.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person, small business concern, or nonprofit organization who could not be classified as a small entity under section 41(a) and (b) of Title 35, United States Code.

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern or organization exists.
☒ Each such person, concern or organization is listed below.

*NOTE: Separate verified statements are recommended from each named person, concern or organization having rights to the invention averring to their status as small entities.

FULL NAME **Shamrock Products**

ADDRESS **6142 Royalton Drive, Dallas Texas 75230**
☐ Individual

☒ Small Business Concern

☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual

☐ Small Business Concern

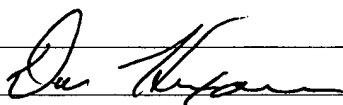
☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Don L. Hexamer

SIGNATURE OF INVENTOR



DATE:

7-23-03

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

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SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

**VERIFIED STATEMENT BY A NON-INVENTOR SUPPORTING
A CLAIM BY ANOTHER FOR SMALL ENTITY STATUS**

Docket No.
118.003

Serial No.

Filing Date

Patent No.

Issue Date

Concurrently Herewith

Applicant/

Patentee: **Don L. Hexamer**Invention: **ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH**

I hereby declare that I am making this verified statement to support a claim by
Don L. Hexamer

for small entity status for purposes of paying reduced fees to the United States Patent and Trademark Office,
regarding the invention described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I hereby declare that I would qualify as a small entity person as defined in 37 CFR 1.27(a)(1) for purposes of paying
fees to the United States Patent and Trademark Office, if I had made the above identified invention.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant,
convey or license, any rights in the invention to any person who would not qualify as a small entity person under 37
CFR 1.27(a)(1) if that person had made the invention, or to any concern which would not qualify as a small business
concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3). Note: Separate verified
statements are recommended from each person, concern or organization having rights to the invention averring to
their status as small entities.

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an
obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
- ☐ each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Mario Guralnik

TITLE IN ORGANIZATION: President

ADDRESS OF PERSON SIGNING: c/o MediCina LLC
266 Johnson Avenue
teaneck, NJ 07666

SIGNATURE: 

DATE: 7-25-03